

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRENA JOHNSON,
BARBARA DEMPS, and JOHN
MCCAULEY,

Plaintiffs,

v.

THE PNC FINANCIAL SERVICES
GROUP, INC.,
THE PNC FINANCIAL SERVICES
GROUP, INC INCENTIVE SAVINGS
PLAN ADMINISTRATIVE COMMITTEE,
DOES NO. 1 -20,

Defendants.

2:20-CV-01493-CCW

ORDER

AND NOW this 31st day of March, 2022, upon consideration of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint, ECF No. 46, and the briefing submitted in support of and opposition thereto, *see* ECF No. 58 (Memorandum Opinion), it is hereby ORDERED that Defendants' Motion is GRANTED IN PART AND DENIED IN PART, as follows: The portion of Count I asserting a claim for the breach of the duty of loyalty under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001, *et seq.* is DISMISSED, with prejudice. Defendants' Motion is otherwise DENIED.

IT IS FURTHER ORDERED that Defendants shall file an Answer to the Amended Complaint on or before April 14, 2022.

IT IS SO ORDERED.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):
All Counsel of Record